

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date:                  June 20, 2005	Department ID Number:                  AD 05-08

**CITY OF HUNTINGTON BEACH  
REQUEST FOR CITY COUNCIL ACTION**

**SUBMITTED TO:** HONORABLE MAYOR CITY COUNCIL MEMBERS

**SUBMITTED BY:** Jill Hardy, Mayor, Chair on behalf of Intergovernmental Relations Committee  
Members Councilmen Coerper and Bohr

**PREPARED BY:** Patricia Dapkus, Department Analyst, Sr. *[Signature]*

**SUBJECT:** APPROVE A CITY COUNCIL POSITION ON LEGISLATION PENDING  
BEFORE THE FEDERAL, STATE, OR REGIONAL GOVERNMENTS AS  
RECOMMENDED BY THE CITY COUNCIL INTERGOVERNMENTAL  
RELATIONS COMMITTEE (IRC)

2005 JUN 28 A 11 58 AM  
 CITY CLERK  
 CITY OF  
 HUNTINGTON BEACH

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

**Statement of Issue:** Approve a City Council position on legislation pending before the Federal, State or Regional Governments as recommend by the City Council Intergovernmental Relations Committee, and authorize the Mayor to communicate the City of Huntington Beach's position to the elected members of the State or Federal Legislators, Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.

**Funding Source:** N/A

**Recommended Action:**

**Motion:**

1. **SUPPORT AB 463 (Tran) Local Agencies: Security Information – As Introduced -**
2. **SUPPORT AB 1222(Jones) Air Pollution – Pollution Control: High Polluting Locomotives Program – As Introduced.**  
**AMENDED ON 5/27/05**
3. **SUPPORT AB 888 (De La Torre) Air Quality – South Coast Air Quality Management District (SAQMD) – Rail Yards – As Introduced **AMENDED ON 5/27/05****
4. **SUPPORT SB 459 (Romero) SAQMD Emissions – Locomotive – As Amended 04/12/05**
5. **SUPPORT SB 956 (Simitan) Coast & Ocean Stewardship Act – As Amended 04/25/05 – in Concept subject to amending the bill to include more specifics as to how the revenue generated by the bill will be allocated.**
6. **OPPOSE AB 1295 (Bermudez) Fireworks Sales — As Amended 04/28/05**
7. **SUPPORT IN CONCEPT a California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act such as proposed in AB 1269 and SB 153 subject to inclusion of funding specifically for acquisition of closed school sites by local jurisdictions for the purpose of maintaining the site for open space and recreational uses.**

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**8. AUTHORIZE LETTERS IN SUPPORT OF the Governor's May Budget Revisions Reinstating Prop 42 Funds**

**Alternative Action(s):**

Do not take action on one or more of the above recommendations and provide direction to staff.

**Analysis:**

**1. AB 463 (Tran) Local Agencies: Security Information**

The Brown Act restricts closed session meeting of a legislative body with certain exceptions. AB 463 would add to these exceptions communications from the Chief of Police, the Attorney General or the District Attorney or their respective deputies on matters related to a potential threat to the security of public buildings, a threat to the safety and delivery of essential public services, or a threat to the public's right of access to public services or facilities. It would additionally allow a closed session with those specified persons on matters posing a threat to private property or facilities that are open to the general public, including response strategies and preventative measures relating to that threat.

The Intergovernmental Relations Committee is recommending the City support this bill.

**2. AB 1222 (Jones) Air Pollution: Locomotive Pollution Control: High Polluting Locomotive Program**

This bill was amended after the Intergovernmental Relations Committee reviewed it. As introduced and as reviewed by the Committee, it would have established the High-Polluting Locomotive Program, and required the State Air Resources Board to encourage voluntary testing, repair, maintenance, or replacement of high-polluting locomotives by their owners or operators, as provided. This bill would have required the state board to establish a remote sensing program to determine the levels of air contaminants emitted by locomotives during operations, and to identify and notify the public and the owners and operators of the operation of a high-polluting locomotive, as defined. It also would have required the state board to notify the California Public Utilities Commission of any circumstance in which operation of a high-polluting locomotive may endanger the public health and safety of railroad employees, passengers, and the general public. It would have permitted the state board to impose a fee on owners or operators of locomotives operating within the state for the purpose of recovering costs of the program, as provided.

**AB 1222 - AS AMENDED ON 05/27/05** would establish the Remote Sensing Pilot Program, and would require the state board to implement a pilot program to determine emissions from locomotives using wayside remote sensing devices. The bill would require the state board to design and implement the pilot program in consultation with an advisory group established by the state board and consisting of specified members. The bill would permit the state board to contract with an independent entity to conduct the pilot program. The bill would require the state board to submit a report to the Legislature, on or before December 31, 2006, that contains a summary of data acquired through the pilot program and the state board's determination as to whether the remote sensing devices can meet specified objectives of the pilot program, as provided. The bill would require the South Coast Air Quality Management District, the Union Pacific Railroad, and the Burlington Northern Santa Fe Railway to reimburse the state board for its costs of implementing the pilot program established.

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The Intergovernmental Relations Committee has recommended the City support AB 1222 as introduced. **The South Coast Air Quality Management District is requesting that the Council support the bill as amended on May 27, 2005.**

**3. AB 888 (De La Torre) Air Quality – SAQMD – Rail Yards**

The Air Resources Board is the state agency charged with coordinating efforts to attain and maintaining ambient air quality standards. Existing law designates the state board as the state agency with primary responsibility for vehicular air pollution and air pollution control and air quality management districts with primary responsibility for control of air pollution from all other sources of air pollution. **AB 888** would authorize the SCAQMD to adopt regulations requiring the owner or lessee of any heavy-duty motor vehicle, nonroad engine, or nonroad vehicle to install retrofit controls or replace existing equipment with clean technologies to reduce emissions of air contaminants to the maximum extent feasible, if that vehicle or engine operates substantially in a rail yard within the district

**AB 888 was amended on May 27, 2005** but amendments were minor and did not change the original intent of the bill.

The Intergovernmental Relations Committee has recommended the City support AB 888 as introduced. **The South Coast Air Quality Management District is requesting that the Council support the bill as amended on May 27, 2005.**

**4. SB 459 (Romero) SAQMD Emissions – Locomotive**

The Air Resources Board is the state agency charged with coordinating efforts to attain and maintaining ambient air quality standards. Existing law designates the state board as the state agency with primary responsibility for vehicular air pollution and air pollution control and air quality management districts with primary responsibility for control of air pollution from all other sources of air pollution.

Existing law, the Lewis-Presley Air Quality Management Act, designates the South Coast Air Quality Management District (south coast district) as the sole and exclusive authority within the South Coast Air Basin with the responsibility for comprehensive air pollution control. Existing law, the federal Clean Air Act, prohibits any state from adopting or enforcing any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines, but requires the Administrator of the federal Environmental Protection Agency to waive that prohibition, or authorize California to adopt and enforce standards relating to non-road vehicles and locomotives, if California determines that the state standards are at least as protective of human health as the federal standards. **SB 459 would authorize the SCAQMD to adopt a locomotive emission impact mitigation fee to be imposed on specified railroad companies that operate in whole or in part within the County of Los Angeles, the County of Orange, the County of Riverside, the County of San Bernardino, or any combination thereof, if specified requirements are met.** This bill contains other related provisions and other existing laws.

The Intergovernmental Relations Committee is recommending the City support SB 459.

**5. SB 956 (Simitan) Coast & Ocean Stewardship Act – Support in Concept subject to amending the bill to include more specifics as to how the revenue generated by the bill will be allocated.**

Existing law authorizes the legislative body of a city, county, or a city and county to impose an excise tax for the privilege of occupying a living space in a hotel, inn, tourist home or house, motel, or other lodging space, as provided. This bill would enact the Coast and Ocean Stewardship Act of 2005. The bill would

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levy a surcharge of \$1 per night per room on all charges for transient occupancy in the 20 counties that are located along the coast of the Pacific Ocean and the San Francisco Bay, including all cities within these counties, as well as the City and County of San Francisco. SB 956 would provide that revenue collected from this surcharge shall be deposited in the Coast and Ocean Account Stewardship Tax (COAST) Fund, which the bill would establish.

This bill would provide that money in the fund would, upon appropriation, be allocated to specified entities to implement programs for coastal and ocean management. This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

The Intergovernmental Relations Committee is recommending the City Council support SB 956 in concept subject to more specifics as to how the revenue it generates will be allocated.

**6. AB 1295 (Bermudez) Fireworks Sales –OPPOSE**

Existing law authorizes the retail sale of safe and sane fireworks from June 28 to July 6 annually pursuant to a license issued by the State Fire Marshal, unless otherwise prohibited or regulated by law or ordinance. AB 1295 would authorize the sale of certified safe and sane fireworks from 9 a.m. December 26 through January 1 pursuant to a license issued by the State Fire Marshal, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks. Since a violation of this provision or other existing related provisions in connection with the sale of those fireworks would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

Chief Olson is recommending that the City oppose AB 1295. He is concerned that the bill as currently drafted will lead to an increase in firework-related injuries. In addition to the impact on community safety, this bill will have a costly impact on our operations. Fire departments and law enforcement agencies will need to increase staffing during this period in order to prepare for the inevitable increase in calls. Last July 4<sup>th</sup>, our department received 200 calls related to fireworks alone. This means additional personnel for patrols, inspections, and attempts at enforcement and, therefore, increased overtime costs, during an already very busy time of year for public safety agencies. The cost in overtime on the 4<sup>th</sup> of July is \$11,000.

Finally, those units responding to fireworks related incidents are not available for other emergency calls. This creates a potential impact on responses to other emergency incidents. The New Year's holiday is already a time that we can expect an increase in alcohol-vehicle related emergencies. Our communities cannot afford the increased risk associated with adding fireworks to this already deadly mix.

The Intergovernmental Relations Committee is recommending the City oppose AB 1295.

**7. SUPPORT IN CONCEPT** a California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act such as proposed in AB 1269 and SB 153 subject to inclusion of funding specifically for acquisition of closed school sites by local jurisdictions for the purpose of maintaining the site for open space and recreational uses.

Under existing law, various bond acts have been approved by the voters to provide funds for water projects, recreational facilities, and programs, etc. AB 1269 and SB 153 would enact the Clean Air, Clean Water, Coastal Protection, and Parks Bond Act. If adopted, both of these bills would authorize, for

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purposes of financing an air and water quality, coastal protection, and parks program, the issuance, pursuant to the State General Obligation Bond Law. **Both bills would require the Secretary of State to submit the bond act to the voters for approval.**

The Intergovernmental Relations Committee is recommending the City Support in concept a California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act such as proposed in AB 1269 and SB 153 subject to inclusion of funding specifically for acquisition of closed school sites by local jurisdictions for the purpose of maintaining the site for open space and recreational uses.

**8. Support Letter for Governor's May Budget Revisions Reinstating Prop 42 Funds**

Governor Schwarzenegger's May Revise budget proposed that the State restore much-needed full funding or Proposition 42 to California cities.

The League of California Cities is requesting that cities write letters to their legislators urging them to support the Governor's May Budget Revise. In their memo dated May 26, they note that in a recent report on the condition of metropolitan roads, California held the unenviable distinction of having five of the ten urban areas with the roughest rides in the country. The Intergovernmental Relations Committee is recommending the City send a letter supporting the Governor's position on these funds. A sample letter is attached as **Attachment 11**.

**Environmental Status:** N/A

**Attachment(s):**

City Clerk's Page Number	No.	Description
6	1.	<b>AB 463 (Tran) <u>Local Agencies: Security Information</u></b>
9	2.	Letter dated March 24 from AQMD requesting the City's support on <b>AB 1222, AB 888, and SB 459</b> and fact sheets.
19	3.	<b>AB 1222 (Jones) <u>Air Pollution – Pollution Control: High Polluting Locomotives Program</u></b> as introduced and as amended on 5/27
25	4.	<b>AB 888 (De La Torre) <u>Air Quality – SAQMD – Rail Yards</u></b> as introduced and as amended on 5/27
34	5.	<b>SB 459 (Romero) <u>SAQMD Emissions – Locomotive</u></b> as amended on 04/12/05
44	6.	<b>SB 956 (Simitan) <u>Coast &amp; Ocean Stewardship Act</u></b>
51	7.	<b>AB 1295 (Bermudez) <u>Fireworks Sales Dec. 26 – Jan 2</u></b>
55	8.	<b>AB 1269 (Pavley) <u>Clean Air, Clean Water, Coastal Protection, and Parks Bond Act of 2007</u></b> as introduced
63	9.	<b>SB 153 (Chesbro) <u>California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006</u></b> as amended on <b>May 27 &amp; June 2</b>
70	10.	League of California Cities request for support letter on Prop 42
73	11.	Sample Support letter and fact sheet on restoration of Prop 42 funding
76	12.	League Memo of May 26, 2005 re: Need for Prop 42 funding

Attachments on File<sup>5</sup> in the  
City Clerk's office

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